

Remarks

1. Summary of Office Action

In the office action mailed January 5, 2004, the Examiner rejected claims 3-9, 11-13, 16-21, 23, 25-26 and 28-29 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,421,544 (Sawada). Further, the Examiner rejected claims 31-37 under 35 U.S.C. § 103(a) as being obvious over a combination of Sawada and U.S. Patent Application Publication 20020059434 (Karaoguz).

2. Amendments and Pending Claims

Applicant has canceled claims 31-32 and 35. Applicant has amended claims 11 and 23 to clarify that a control signal, associated with a given location and received by a device, comprises a set of additional control logic. Applicant has also amended claims 33-34 and 36-37 to indicate that the control signal carries additional control logic and that the change of control logic includes changing the set of control logic to embody the additional control logic. Further, Applicant has amended claims 36 and 37 by moving a limitation of each claim further into the respective claim. Support for the amendments to claims 11, 23, 33-34 and 36-37 is found in the specification on page 15 at lines 19-22 and page 22 at lines 7-11.

Still further, Applicant has corrected typographical errors and added language to maintain a proper antecedent basis in dependent claims 12-13.

Now pending in this application are claims 3-9, 11-13, 16-21, 23, 25-26, 28-29, 33-34 and 36-37 of which claims 11, 23, 33-34 and 36-37 are independent, and the remainder are dependent.

3. The Claimed Invention

Applicant's invention is directed to a method of changing the functionality of a device based on location of the device. As a general matter, the device has a set of control logic (e.g., application-layer logic), and, when the device is located in a particular location, the device receives a control signal associated with the location, which will effect a change in the control logic of the device.

In this regard, many of the pending claims specifically recite (or require by dependency) that the control signal itself embodies a set of *additional* control logic and that, in response to the control signal, the device actually changes its own control logic so as to embody the set of *additional* control logic. For instance, independent claims 11 and 23 (as well as their associated dependent claims 3-9, 12-13 and 16-21) include this limitation.

Further, other pending claims specifically recite a device receiving a control signal, the control signal carrying additional control logic, and the device changing a set of control logic to embody the additional control logic. See claims 33-34 and 36-37 for this limitation.

4. Response to § 102 Rejections

As noted above, the Examiner rejected claims 3-9, 11-13, 16-21, 23, 25-26 and 28-29 under 35 U.S.C. § 102(e) as being anticipated by Sawada. Under M.P.E.P. § 2131, a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Applicant respectfully traverses the anticipation rejection of pending claims 3-9, 11-13, 16-21, 23, 25-26 and 28-29 because Sawada does not disclose or suggest each and every element as recited in any of these claims.

In particular, Sawada fails to disclose that the control signal itself comprises a set of additional control logic, and that, when the device receives the control signal, the device

responsively changes its control logic to embody the set of additional control logic provided by the control signal.

At best, Sawada teaches (i) a device that includes predefined modes of operation (e.g., different states of control logic) and (ii) a method in which the device receives a "mode change signal" that directs the device to switch from one of the predefined modes of operation to another one of the predefined modes of operation. (*See, e.g.,* Sawada, at 7, lines 52-53; column 10, lines 24-34; column 14, line 7). But Sawada does not teach that the "mode change signal" itself includes a set of additional control logic for the device to use.

Furthermore, claims 25 and 26 depend from claim 36, and claims 28 and 29 depend from claim 37. Note that in rejecting claims 36 and 37 under 35 U.S.C. § 103(a), the Examiner stated "Sawada does not specifically teach wherein the processor is further programmed to prompt a user of the device for approval of changing the control logic, after the device receives the control signal but before performing the function." Thus, the Examiner admitted that Sawada does not teach every element of claims 25-26 and 28-29.

Because Sawada does not teach each and every element of claims 11, 23, 25-26 and 28-29, Sawada fails to anticipate claims 11, 23, 25-26 and 28-29 under 35 U.S.C. § 102(e). Further, because each of claims 3-9, 12-13 and 16-21 depend from either claim 11 or claim 23, Sawada necessarily also fails to anticipate claims 3-9, 12-13 and 16-21 as well.

5. Response to § 103 Rejections

The Examiner next rejected claims 31-37 under 35 U.S.C. § 103(a) as being obvious over a combination of Sawada and Karaoguz. According to M.P.E.P § 2143, in order to establish a prima facie case of obviousness of a claimed invention by applying a combination of references, the combination must disclose or suggest all of the claim limitations. Applicant respectfully

traverses the obviousness rejection of claims 31-37 because the combination of Sawada and Karaoguz fails to disclose or suggest all of the limitations of any of these claims.

In particular, the combination of Sawada and Karoguz fails to disclose or suggest a method which includes the device receiving a control signal, the control signal being associated with the given location and *carrying additional control logic*, prompting a user of the device to approve change in function of the device after receiving the control signal but before changing the control logic, and changing the set of control logic to *embody the additional control logic*. Each of claims 33 and 34 require these elements. Further claims 33 and 34 also require receiving a user response that indicates whether or not the user approves.

Still further, the combination of Sawada and Karaoguz fails to disclose or suggest a system that includes a device having (i) a receiver arranged to receive a control signal, the control signal being associated with a given location and *carrying additional control logic*, (ii) a processor programmed to respond to the control signal by *changing a set of control logic to embody the additional logic*, and (iii) the processor programmed to prompt a user of the device for approval of changing the set of control logic, after the device receives the control signal but before changing the control logic. Each of claims 36 and 37 require these elements.

At best, the combination of Sawada and Karaoguz teaches a device with pre-defined operational modes, various keys to output various operation signals, a user-specified mode table, and a display for displaying a message to a user to approve or disapprove using one of the predefined operational modes to establish a network connection. For instance, as the Examiner noted, Sawada teaches the CPU detecting the change destination mode by referring to the user-specified mode table and changing the destination mode (from one pre-defined mode to a second pre-defined mode). (Sawada at col. 13, lines 30-36). Karaoguz then similarly teaches displaying

a message that identifies an available network to a user so that the user may approve or disapprove joining the network using one of the predefined operational modes. (Karaoguz at paragraphs # 0069, 0070, 0077, and 0086).

However, Applicant has not found in the combination any disclosure of (i) a device receiving a control signal, the control signal being associated with a given location and *carrying (a) additional control logic or (b) a new application layer feature*, (ii) then prompting a user to approve a change in function of the device (and receiving a user response indicating whether the user approves), and (iii) then responsively changing control logic to *embody (a) the additional control logic or (b) the new application layer feature*.

In rejecting the claims, the Examiner stated that "Karaoguz et al teaches wherein the processor is further programmed to prompt a user of the device for approval of changing the control logic, after the device receives the control signal but before performing the function" and the Examiner cited paragraphs 0070 and 0086 of Karaoguz in support. But as far as Applicant can tell, these portions of Karaoguz state merely that the device informs the user of the device to approve or disapprove of joining a network using a pre-defined operational mode such as (i) Bluetooth-only mode, (ii) 802.11b-only mode, and (iii) dual Bluetooth-802.11b mode. However, Karaoguz does not teach asking the user of the device for approval or disapproval to change control logic so as to embody additional control logic. In any event, the combination of Sawada and Karaoguz is deficient for at least the reasons described above.

Because the combination of Sawada and Karaoguz fails to disclose or suggest all of the limitations of any of claims 33-34 and 36-37, a *prima facie* case of obviousness of these claims does not exist.

6. Conclusion

For the foregoing reasons, Applicant submits that claims 3-9, 11-13, 16-21, 23, 25-26, 28-29, 33-34 and 36-37 are in condition for allowance. Therefore, Applicant respectfully requests favorable reconsideration and allowance of all of the claims.

Respectfully submitted,

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